

DOCKET NO.: 288459US0X PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

GROUP: 1656

Fabrice AGOU, et al.

SERIAL NO: 10/573,161

EXAMINER: Monshipouri, Mary M.

FILED: March 1, 2007

FOR: SELECTIVE INHIBITION OF NF-KAPPAB ACTIVATION BY PEPTIDES  
DESIGNED TO DISRUPT NEMO OLIGOMERIZATION

**ELECTION AND RESPOSNE TO LACK OF UNITY REQUIREMENT**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

Sir:

In response to the Lack of Unity/Restriction Requirement dated February 3, 2009, the Applicants elect with traverse, **Group I, Claims 1-14 and Species (a) human NEMO CC2**. On March 3, 2009, the Applicants notified Examiner Monshipouri that claims 1, 3-6 and 8-57 filed in the Preliminary Amendment dated October 29, 2007 are pending, while the Lack of Unity Requirement refers to claims 1-45. To expedite examination, they have made the required elections based on the groups defined in the Lack of Unity Requirement, but respectfully request that the Examiner revise and restate this requirement in the next Official Action in order to clarify the record as to the status of the pending claims.

The traverse is on the grounds that no undue burden would be imposed in the examination of the claims of Groups I-VII or Species (a)-(f) together. Unity must be assessed with respect to a group inventions sharing a common technical relationship. In the present case each designate group involves polypeptide inhibitors of NFκB, polynucleotides expressing such inhibitors, or methods of using or identifying such inhibitors.

Moreover, Species (a)-(f) represent well-defined sequences sharing significant structural identity irrespective of whether they are derived from a human or murine source. The attached

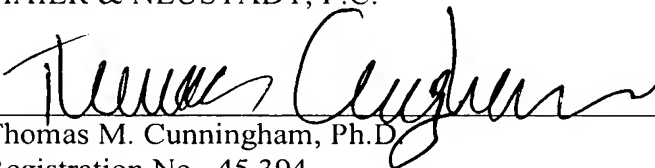
BLAST alignment shows the high degrees of identify among these sequences. Thus, these sequences are not unrelated in chemical structure and function and share significant structural elements related to their activities.

In the event that the Lack of Unity Requirement is maintained, the Applicants respectfully request that the claims of any nonelected group (or otherwise withdrawn claims) which depend from or otherwise include all the limitations of an allowed elected claim, be rejoined upon an indication of allowability for the elected claim, see MPEP 821.04. It is the Applicants understanding that additional species will be examined upon an indication of allowability for a generic claim reading on the elected species.

Accordingly, the Applicants respectfully request that the Restriction and Election of Species Requirements be withdrawn and all the claims examined together.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
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